

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 19, 2006. Reconsideration and allowance of pending claims 22-24, 26-27, and 43 are respectfully requested.

### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 22-24 and 26 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Leban* (U.S. Patent No. 5,229,785) in view of *Chan* (U. S. Patent No. 4,694,308). Claim 27 has been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Leban* in view of *Chan* in further view of *Mrvos* (U.S. Patent No. 6,409,312). Claim 43 has been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Leban* in view of *Chan* in further view of *Radke* (U.S. Patent No. 5,859,654).

Applicants respectfully traverse the rejections.

Independent claim 22 recites:

A fluid ejection device comprising:  
a heating element on a substrate surface; and  
***a cover layer on the substrate surface, the cover layer defining a firing chamber formed about the heating element and defining a nozzle over the firing chamber, wherein the cover layer includes a primer layer, a chamber layer, a nozzle layer, a photon barrier layer between the nozzle layer and the chamber layer that at least partially defines the nozzle, and a top coat layer, wherein at least one of the layers includes a dry film.***

As acknowledged in the Office Action, *Leban* fails to teach that “the photon barrier layer is formed between the chamber layer and the nozzle layer.” Office Action, page 3. The Office Action alleges that *Chan* teaches this claim limitation. In particular, the Office Action states that a “barrier layer

26” is “between the nozzle layer and the chamber layer that at least partially defines the nozzle,” in *Chan*.

It is noted that the claim language specifies that a photon barrier layer is to at least partially define the nozzle. However, *Chan* does not teach that layer 26 (as shown in FIG. 3) partially defines nozzle 32.

Therefore, *Leban* in view of *Chan* does not appear to disclose “a cover layer on the substrate surface, the cover layer defining a firing chamber formed about the heating element and defining a nozzle over the firing chamber, wherein the cover layer includes a primer layer, a chamber layer, a nozzle layer, a photon barrier layer between the nozzle layer and the chamber layer that at least partially defines the nozzle, and a top coat layer, wherein at least one of the layers includes a dry film,” as recited in claim 22. As a result, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Leban* in view of *Chan* has not been made. Therefore, the rejections of claims 22 and 23-24 & 26 which depend therefrom should be withdrawn.

Further, Applicants submit that *Mrvos* fails to cure the deficiencies of the *Leban* and *Chan* references in suggesting or teaching all of the claimed features in claim 22 and claim 27 which depends therefrom. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Leban* in view of *Chan* in further view of *Mrvos* has not been made. As a result, the rejection of claim 27 should be withdrawn.


Additionally, Applicants submit that *Radke* fails to cure the deficiencies of the *Leban* and *Chan* references in suggesting or teaching all of the claimed features in claim 22 and claim 43 which depends therefrom. Therefore, a

*prima facie* case establishing an obviousness rejection by the proposed combination of *Leban* in view of *Chan* in further view of *Radke* has not been made. As a result, the rejection of claim 43 should be withdrawn.

### **CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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